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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/363,001	07/28/1999	STEVEN J. MOORE	019287-0320075	7561
909 7590 05/12/2011 PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102				
EXAMINER MEKY, MOUSTAFA M				
ART UNIT 2457		PAPER NUMBER		
NOTIFICATION DATE 05/12/2011		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary**Application No.**

09/363,001

Applicant(s)

MOORE ET AL.

Examiner

Moustafa M. Meky

Art Unit

2457

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-48 is/are pending in the application.
- 4a) Of the above claim(s) 33,34,39-42,47 and 48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-32,35-38 and 43-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/30/03, 2/2/05, 8/30/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. The response to the restriction requirement (mailed Dec. 28, 2001) filed 05/07/2002 has been received and entered by the examiner. Claims 29-32, 35-38, and 43-46 were elected for examination and claims 33-34, 39-42, and 47-48 were not elected.
2. The response filed 10/14/2002 in which the applicant requested withdrawal of the request for interference, was received and entered by the examiner.
3. Claims 29-32, 35-38, 43-46 are presenting for examination.
4. The following is a quotation of the **first paragraph** of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 29-32, 35-38, 43-46 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 29 & 35 & 43 state the limitations of "filtering the packets to produce packet data by retrieving a predetermined address, comparing the predetermined address to the source and destination addresses for a current packet, and retaining the current packet when one of the source and destination addresses matches the predetermined address, producing decoded packet data, wherein the decoded packet data includes a

plurality of patterns of packets, producing transaction data from the decoded packet data, wherein the transaction data is derived from a time value for identifying a substantially optimal collection of patterns of packets indicative of transaction instances, analyzing the packet data and the transaction data to provide an indication of network usage”.

Claims 30 & 36 & 44 state the limitations of “filtering the packets to produce packet data by accessing a predetermined address, comparing the predetermined address to the source and destination addresses for a current packet, and retaining the current packet when one of the source and destination addresses matches the predetermined address, producing decoded packet data, producing transaction data from the decoded packet data, and analyzing at least one of the packet data and the transaction data to provide an indication of network usage”.

Claims 31 & 37 & 45 state the limitations of “filtering the packets to produce packet data by retrieving a predetermined port address, comparing the predetermined port address to a source port address for a current packet, comparing the predetermined port address to a destination port address for the current packet and retaining the current packet when one of the source and destination port addresses for the current packet matches the predetermined port address, producing decoded packet data, wherein the decoded packet data includes a plurality of patterns of packets, producing transaction data from the decoded packet data, wherein the transaction data is derived from a time

value for identifying a substantially optimal collection of patterns of packets indicative of transaction instances, analyzing the packet data and the transaction data to provide an indication of network usage”.

Claims 32 & 38 & 46 state the limitations of “filtering the packets to produce raw packet data by accessing a predetermined port address, comparing the predetermined port address to a source port address for a current packet , comparing the predetermined port address to a destination port address for the current packet, and retaining the current packet when one of the source and destination port addresses of the current packet matches the predetermined port address, producing decoded packet data,, and producing transaction data from the decoded packet data, and analyzing the packet data and the transaction data to provide an indication of network usage”.

These limitations are not fully supportive in the specification (the applicant refers to big sections of the specification to support each limitation of the claims, and the applicant is advised to refer to a specific section in the specification to support all the limitations of the pending claims).

Therefore, it can be seen from the above discussion that claims 29-32, 35-38, 43-46 are rejected under 35 U.S.C. 112, first paragraph.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Moustafa M. Meky whose telephone number is 571-272-4005. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Moustafa M Meky/
Primary Examiner, Art Unit 2457

5/5/2011